

In the Claims:

No changes have been made.

REMARKS

Claims 1 to 10 were rejected as obvious under 35 U.S.C. 103 (a) over Israni, et al, (henceforth referred to as "Israni"), in view of Cohen, et al (henceforth referred to as "Cohen").

Israni discloses a method of using vehicle traffic information transmitted by radio in a vehicle navigation system. As Israni has correctly recognized, the RDS-TMC traffic messages for route calculation transmitted by radio are not usable without more by a vehicle navigation system, since the location codes of broadcast traffic messages are different from the location codes of a digital map, which is used in a vehicle navigation system (column 2, lines 15 to 30, of Israni). To solve this problem so that the navigation system can use the information in the traffic messages Israni teaches that "location codes" of the traffic message should be correlated with corresponding geographic map data, especially street sections, of a digital map stored in the vehicle navigation system by means of "location reference records" (column 2, lines 40 to 49).

The structure of a broadcast traffic message received according to "Israni" is shown in figs. 1 to 3, especially fig. 3, of the Israni reference. The traffic message 50 of fig. 3 according to Israni includes an event description 50(1), location information for the event 50(2), direction information 50(3) and extent

50(4). Also the TMC traffic message can include additional information, such as the duration of a blockage or jam 50(5), detour recommendations 50(6) and, if necessary, other information 50(n). This data is already described in the RDS-TMC specifications described in Israni. The illustration according to fig.3 in Israni is somewhat misleading, since not only elements 50(2) and 50(3) but also the additional elements 50(4) to 50(n) are provided in the RDS-TMC specifications as elements of an RDS-TMC message.

Since Israni contains no suggestion of additional location information in the sense of the present patent claims, i.e. no suggestion of the additional location information, which should be transmitted in addition to the above-described location information already known from the TMC specification.

The Office Action admits in paragraph 4 that Israni does not teach an added header, which can indicate at least one additional information portion, in accordance with applicants' inventive method and also that Israni is insufficient to provide a hint or suggestion of this feature by itself.

It is respectfully submitted that Cohen also provides no hint or suggestion of an added header, which is placed in front of the message when additional information is added to the message.

The basic position in the Office Action is that Cohen discloses a message format, which includes a header, which can have a different size according to the user information to be transmitted and indicated by the header itself (see Fig. 9B and column 18, lines 49 to 53, of Cohen). Also see column 18, lines 31 to 36, where it states:

"...POST makes use of *variable* headers. Every header contains essential information, plus a small indicator field indicating the presence or absence of additional optional information. If not required, this optional information is not included, and only the small overhead of the Indicator field is incurred."

From these disclosures in Cohen it is certain that the reference only teaches that the transmitted digital message has a header, which can have a variable length and indicate the presence of data in optional fields of the message.

The method of the present invention is however different. This method is based on the standard method for coding and transmission of a digitally coded traffic message. The current claim 1, which has not been changed, states that a leading header 12 is provided in front of the traffic message having a standard format when the optional added information or data is to be transmitted. The leading header is thus an additional header because it is added to the standard traffic message in its standard format. The leading header 12 indicates the presence of at least one additional information portion, which includes the added location information. Thus in the case of transmission of traffic information applicants' method is improved because it is unnecessary to store some location information in the receiver memory, according to page 3 of applicants' specification.

The purpose of the applicants' invention is to permit transmission of additional location information, which may not be included in the standard traffic message in the standard format, *while preserving the standard traffic message*

format. The additional header in the method according to the invention signals the presence of additional location information. This procedure permits additional message content to be transmitted, in this case the additional location information while maintaining the original standard coding of or format for the message. However it is surely not optimal in regard to the required bandwidth in comparison to the method of Cohen (see column 18, line 25 to 30, of Cohen).

Cohen is based on another method different from the claimed invention, because an entirely new standard message format is defined, which provides different message capacity in a single framework and in which header capacity can be adjusted according to the message capacity. If this procedure were employed in Israni, as suggested in the Office Action, the message coded according to Israni must be changed in order to adjust the length and also the capacity of the message as well as the header of Cohen.

However the procedure of Cohen does not lead to or suggest an additional header, which is optionally placed in front of the standard message according to whether or not additional data is present. Instead it leads to a traffic message, which always includes a header, but a header variable length. Thus the procedure of Cohen is an alternative way to solve the problem according to the present invention.

Cohen uses a different method to include additional optional information because the basic purposes for transmission of the digitally coded information are different from the applicants. Cohen does not disclose a system that is limited to broadcasting traffic messages. Cohen describes a data base system for

accumulating and distributing different kinds of data by radio broadcast that is particularly adaptable to sparsely settled areas. The system of Cohen is adapted for dissemination of a broad range of information to home or office (column 21, lines 40 to 45).

In contrast, Israni and also applicants' method disclosed in the present application are designed for transmitting digitally coded traffic information, which is coded in a standard format, such as TMC or RDS. As explained in the background section of applicants' specification traffic information can be coded and then transmitted in brief or compact coded form that facilitates a rapid transmission of information with a comparatively few bytes. To do this however it is necessary to use a standard coded format, such as TMC or RDS. To improve the transmission of these traffic messages to include additional location data it is still desirable to preserve the basic format of the standard traffic message in order to maintain the speed and efficiency of the message transmissions and to avoid requiring a complete redesign of the basic traffic message transmission and reception system.

Thus there is some doubt regarding whether or not the subject matter of Israni, which describes a system for transmission of real-time traffic messages to vehicles with navigation systems, is combinable with that of Cohen, which is simply a system for broadcasting a wide variety of different types of information to different stations or receivers in a sparsely settled region. These U.S. Patent references are in entirely different classes according to their classification numbers.

One skilled in the art of designing traffic message systems would not find a hint or suggestion in the art to combine the disclosures of Israni with Cohen, because Cohen does not disclose a traffic message transmission system as noted above. The specifications and requirements of a traffic message transmission system are entirely different from a message system as proposed by Cohen because the traffic message system must code and transmit the messages in real time with an especially rapid rate because the traffic situation is constantly changing, sometimes rapidly. Cohen involves transmissions between widely-separated, generally-not-traveling stations in sparsely settled regions.

Amended claim 1 of the present invention discloses an entirely different method of including optional additional information in the digitally coded messages than Cohen. The header of applicants' is an "add-on" so-to-speak to a standard traffic message so that the basic structure of the coded traffic message can be preserved. This leads to a minimum of required changes in the traffic message broadcasting system and to a rapid real-time transmission of traffic messages. In contrast the system of Cohen is an entirely different new message or information transmission system.

Cohen does not suggest the modifications of the system of Israni necessary to arrive at the method as claimed in amended claim 1.

It is well established by many U. S. Court decisions that to reject a claimed invention under 35 U.S.C. 103 there must be some hint or suggestion in the prior art of the modifications of the disclosure in a prior art reference or references used to reject the claimed invention, which are necessary to arrive at the claimed

invention. For example, the Court of Appeals for the Federal Circuit has said:

"Rather, to establish obviousness based on a combination of elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant...Even when obviousness is based on as single reference there must be a showing of a suggestion of motivation to modify the teachings of that reference.." *In re Kotzab*, 55 U.S.P.Q. 2nd 1313 (Fed. Cir. 2000). See also M.P.E.P. 2141.

Cohen discloses an entirely different digital message transmission system for transmission of data to e.g. "home and office", which does not necessarily meet the requirements for rapid efficient transmission of data in real time that are required of the applicants' claimed method of transmitting digitally coded traffic information.

For the foregoing reasons, withdrawal of the rejection of amended claims 1 to 10 as obvious under 35 U.S.C. 103 (a) over Israni in view of Cohen is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", with a long horizontal flourish extending to the right.

Michael J. Striker,

Attorney for the Applicants

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